

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES MARK HINKLEY, a.k.a.
JAMES HINKLEY,

Petitioner,

vs.

STATE OF WASHINGTON,

Respondent.

NO. CV-10-5119-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DENYING
MOTION FOR CERTIFICATE OF
APPEALABILITY

Magistrate Judge Hutton filed a Report and Recommendation on November 29, 2010 (Ct. Rec. 17), recommending Mr. Hinkley's *pro se* Motion for Certificate of Appealability be denied as moot because the District Court already determined there was no basis upon which to issue a Certificate of Appealability (Ct. Rec. 11). There being no objections, the court **ADOPTS** the Report and Recommendation. The Motion for Certificate of Appealability is **DENIED as moot**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, forward a copy to Petitioner and close the file.

DATED this 23rd day of December, 2010.

s/Lonny R. Suko

LONNY R. SUKO
CHIEF UNITED STATES DISTRICT JUDGE